CONSTITUTION

OF THE

YUROK TRIBE

October 22, 1993

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CONSTITUTION

OF THE

YUROK TRIBE

We, the members of the Yurok Tribe, also known historically as the Pohlik-lah, Ner-er-ner, Petch-ik-lah, or Klamath River Indians, hereby adopt this constitution and establish our tribal government.

PREAMBLE

Our people have always lived on this sacred and wondrous land along the Pacific Coast and inland on the Klamath River, since the Spirit People, Wo-ge' made things ready for us and the Creator, Ko-won-no-ekc-on Ne-ka-nup-ceo, placed us here. From the beginning, we have followed all the laws of the Creator, which became the whole fabric of our tribal sovereignty. In times past and now Yurok people bless the deep river, the tall redwood trees, the rocks, the mounds, and the trails. We pray for the health of all the animals, and prudently harvest and manage the great salmon runs and herds of deer and elk. We never waste and use every bit of the salmon, deer, elk, sturgeon, eels, seaweed, mussels, candlefish, otters, sea lions, seals, whales, and other ocean and river animals. We also have practiced our stewardship of the land in the prairies and forests through controlled burns that improve wildlife habitat and enhance the health and growth of the tan oak acorns, hazelnuts, pepperwood nuts, berries, grasses and bushes, all of which are used and provide materials for baskets, fabrics, and utensils.

For millennia our religion and sovereignty have been pervasive throughout all of our traditional villages. Our intricate way of life requires the use of the sweathouse, extensive spiritual training, and sacrifice. Until recently there was little crime, because Yurok law is firm and requires full compensation to the family whenever there is an injury or insult. If there is not agreement as to the settlement, a mediator would resolve the dispute. Our Indian doctors, Keg-ae, have cared for our people and treated them when they became ill. In times of difficulty village headmen gather together to resolve problems affecting the Yurok Tribe.

Our people have always carried on extensive trade and social relations throughout our territory and beyond. Our commerce includes a monetary system based on the use of dentalium shells, Terk-n-term, and other items as currency. The Klamath River was and remains our highway, and we from time beginning utilized the river and the ocean in dugout canoes, Alth-wayoch, carved from

the redwood by Yurok craftsmen, masterpieces of efficiency and ingenuity and have always been sold or traded to others outside the tribe. Our people come together from many villages to perform ceremonial construction of our fish dams, Lohg-en. Our traditional ceremonies -- the Deerskin Dance, Doctor Dance, Jump Dance, Brush Dance, Kick Dance, Flower Dance and others -- have always drawn hundreds, and sometimes thousands, of Yuroks and members of neighboring tribes together for renewal, healing, and prayer. We also have always traveled to the North and East to the high mountains on our traditional trails to worship the Creator at our sacred sites, -- Doctor Rock, Chimney Rock, Thkla-mah (the stepping stones for ascent into the sky world), and many others.

This whole land, this Yurok country, stayed in balance, kept that way by our good stewardship, hard work, wise laws, and constant prayers to the Creator.

Our social and ecological balance, thousands and thousands of years old, was shattered by the invasion of the **non-Indians.** We lost three-fourths or more of our people through unprovoked massacres by vigilantes and the intrusion of fatal European diseases. The introduction of alcohol weakened our social structure, as did the forced removal of our children to government boarding schools, where many were beaten, punished for speaking their language, and denied the right to practice their cultural heritage. After goldminers swarmed over our land we agreed to sign a "Treaty of Peace and Friendship" with representatives of the President of the United States in 1851, but the United States Senate failed to ratify the treaty. Then in 1855, the United States ordered us to be confined on the Klamath River Reserve, created by Executive Order, **(pursuant to the Act of March 3, 1853, 10 Stat. 226,238)** within our own territory.

In 1864 a small part of our aboriginal land became a part of the Hoopa Valley Indian Reservation which was set apart for Yuroks and other Indians in Northern California. This became known as the 12-mile "Square." In 1891, a further small part of our aboriginal land was added when "The Extension" to the Hoopa Valley Indian Reservation was set aside by executive order authorized by the 1864 statute, which created the Hoopa Valley Indian Reservation. This statutory reservation extension extended from the mouth of the Klamath River, including the old Klamath River Reserve, about 50 miles inland and encompassed the river and its bed, along with one mile of land on both sides of the river.

But even this small remnant of our ancestral land was not to last for long. In the 1890's, individual Indians received allotments from tribal land located in the Klamath River Reserve portion of

5) Provide for the health, education, economy, and social well-being of our members and future members;

6) Restore, enhance, and manage the tribal fishery, tribal water rights, tribal forests, and all other natural resources; and

7) Insure peace, harmony, and protection of individual human rights among our members and among others who may come within the jurisdiction of our tribal government.

ARTICLE I - TERRITORY , JURISDICTION AND AUTHORITY

SECTION 1 - Ancestral Lands.

The Ancestral Lands of the Yurok Tribe extend unbroken along the Pacific Ocean coast [including usual and customary off-shore fishing areas] from Damnation Creek, its northern boundary, to the southern boundary of the Little River drainage basin, and unbroken along the Klamath River, including both sides and its bed, from its mouth upstream to and including the Bluff Creek drainage basin. Included within these lands are the drainage basin of Wilson Creek, the drainage basins of all streams entering the Klamath River from its mouth upstream to and including the Bluff Creek and Slate Creek drainage basins, including the village site at Big Bar (except for the drainage basin upstream from the junction of Pine Creek and Snow Camp Creek), and the Canyon Creek (also known as Tank Creek) drainage basin of the Trinity River, the drainage basins of streams entering the ocean or lagoons between the Klamath River and Little River (except for the portion of the Redwood Creek drainage basin beyond the McArthur Creek drainage basin, and except for the portion of the Little River drainage basin which lies six miles up from the ocean). Our Ancestral Lands include all submerged lands, and the beds, banks and waters of all the tributaries within the territory just described. Also included within the Ancestral Lands is a shared interest with other tribes in ceremonial high country sites and trails as known by the Tribe, as well as the Tribe's usual and customary hunting, fishing and gathering sites. The Ancestral Lands are depicted on the "Map of Yurok Ancestral Lands", on file in the Yurok Tribal Offices.

SECTION 2 - Territory.

The territory of the Tribe consists of all Ancestral Lands, and specifically including, but not limited to, the Yurok Reservation and any lands that may hereafter be acquired by the Tribe, within or without Ancestral Lands.

SECTION 3 - Jurisdiction.

The jurisdiction of the Yurok Tribe extends to all of its members wherever located, to all persons throughout its territory, and

within its territory, over all lands, waters, river beds, submerged lands, properties, air space, minerals, fish, forests, wildlife, and other resources, and any interest therein now or in the future.

SECTION 4 - Authority of Tribal Government.

This Constitution is a delegation of specific tribal authority from the Yurok People to the Tribe's governing bodies and this Constitution hereby reserves to the people all authority not delegated to the Tribe's governing bodies. Members of the governing bodies shall have no authority to act inconsistant with the objectives enumerated in the Preamble to this Constitution.

SECTION 5 - Tribal Offices

It shall be the goal of the Tribe to establish its primary tribal offices within our Ancestral Lands.

ARTICLE II - MEMBERSHIP

SECTION 1 - Base Membership Roll

Those persons on the Settlement Roll who made or were deemed to have made an election pursuant to the Yurok Tribal Membership Option shall constitute the base membership roll of the Yurok Tribe.

SECTION 2 - Yurok Tribal Membership Roll

After approval of the Yurok Tribal Constitution, a revised Yurok Tribal Membership Roll shall be prepared and periodically updated, that shall include all those persons on the Base Membership Roll and persons who apply for membership and meet the following criteria:

a) Has a biological parent who is an enrolled member of the Yurok Tribe, and

b) Possesses at least one-eighth (1/8) degree of Indian Blood. Indian Blood is defined as all U.S. Native American Indian or Alaskan Natives.

SECTION 3 - Tribal Membership Based Upon Extraordinary Circumstances

In extraordinary circumstances, a person may be determined to be eligible for membership in the Yurok Tribe. For purposes of this subsection, "extraordinary circumstances" shall be defined to include:

a) Applicant must possess at least one-eighth (1/8) degree of Indian Blood (as defined in Article II, Section 2), and be

b) A full or half sibling of an allottee of land on the Yurok Reservation with the same qualifying ancestry, and lineal descendants of such persons, or

c) Any adopted person whose biological parents would have qualified, or would have qualified if alive for the Yurok Membership Roll, or

d) Allottees of the Yurok Reservation, and lineal descendants of such persons, when that applicant and lineal ancestors have not been enrolled members of another Tribe.

SECTION 4 - Limitations on Membership

a) No person who exercised the lump sum buy-out option under 25 USC Section 1300i-5(d) shall qualify for membership in the Yurok Tribe.

b) The Yurok Tribe does not allow "Dual Enrollment". No person who is a member of any other Federally Recognized Indian Tribe, shall qualify for membership or remain in the Yurok Tribe, unless he or she has relinquished in writing his or her membership in such other Tribe.

c) No person who is a lineal descendant of a present or former member of another Tribe and who is without a parent enrolled with the Yurok Tribe shall qualify for membership in the Yurok Tribe.

ARTICLE III - Election of Yurok Tribal Council

SECTION 1 - Election

The Yurok Tribal Council shall consist of: nine (9) members: a Tribal Chairperson, a Vice-Chairperson and seven (7) Council Members. The Chairperson and the Vice-Chairperson shall be elected at-large by the eligible voters of the Tribe. The other seven (7) Council Members shall be elected by Districts, with the eligible voters in each of the seven (7) Districts electing one Council member to represent the District.

SECTION 2 - Council Districts

There shall be seven (7) Districts, described as follows:

WEITCHPEC DISTRICT - This includes all Ancestral Lands located upriver of Coon Creek on the Klamath River. Included within the District are the ancestral villages of Otsepor, Lo'olego, Weitspus, Pekwututl, Ertlerger, Wahsekw, Kenek, Tsetskwi, and Kenekpul.

PECWAN DISTRICT - This includes all Ancestral Lands downriver, including Coon Creek, on the Klamath River from the Weitchpec District to and including Blue Creek on the north side of the river and Ah Pah Creek and its drainage area on the south side of the river. Included within the District are the ancestral villages of Merip, Wa'asel, Kepel, Murekw, Himetl, Nohtsku'm, Keihkem, Meta, Sregon, Yohter, Pekwan, Ko'otep, Wohtek, Wohkero, Serper, Ayotl, Nagetl, and Erner.

REQUA DISTRICT - This includes all Ancestral Lands located downriver on the Klamath River from the Pecwan District and north of the center line of the Klamath River. Included within the District are the ancestral villages Tlemekwetl, Stawen, Sa'aitl, Ho'pau, Omenok, Amenok, Tmeri, Rekwoi, and Omen.

ORICK DISTRICT - This includes all Ancestral Lands located downriver on the Klamath River from the Pecwan District and south of the center line of the Klamath River. Included within the District are the ancestral villages of Turip, Wohkel, Otwego, Wetlkwau. Osegen, Espau, Sikwets, Orek, Tsahpekw, Hergwer, Tsotskwi, Pa'ar, Oslokw, Keihkem, Ma'ats, Opyuweg, Tsurau, Sumeg and Metskwo.

NORTH DISTRICT - This includes all land north of the Ancestral Lands, east of the Pacific Ocean, west of a north-south line passing through Chimney Rock and within 60 miles of the Ancestral Lands.

EAST DISTRICT - This includes all land east of the Ancestral Lands, east of a north-south line passing through Chimney Rock, east of the generally north-south mountain ridge passing through Schoolhouse Peak, and within 60 miles of the Ancestral Lands.

SOUTH DISTRICT - This includes all land south of the Ancestral Lands, east of the Pacific Ocean, west of the generally north-south mountain ridge passing through Schoolhouse Peak, and within 60 miles of the Ancestral Lands.

SECTION 3 - Terms of Office

A) The terms of office for the Chairperson, Vice Chairperson, and the Council Members shall be three (3) years, except that in the first election, the terms of office for Council Members shall be staggered and determined as follows:

1) The candidate receiving the highest percentage of votes in his/her District shall be elected for a three (3) year term;

2) The candidates receiving the second, third and fourth highest percentages of the votes in their respective districts shall be elected for two (2) year terms;

3) **The remaining three (3) candidates shall be elected for one (1) year terms;**

4) **In the event of a tie among or between the candidates who, by reason of the percentage of votes received in the candidates' respective districts, would be entitled to serve an initial term of more than one (1) year, any such tie shall be broken by the tied candidates' drawing of lots to determine which candidate(s) shall be entitled to serve an initial term of more than one (1) year.**

B) **Each Tribal Officer and Council Member shall be inaugurated as the first order of business at the first regular Council meeting following his/her election, and his/her term shall commence upon inauguration.**

SECTION 4 - Voter Registration

Each member of the Yurok Tribe, who has attained the age of eighteen (18) upon the date of election shall be eligible to vote, provided that person has registered to vote. Each eligible voter shall choose to register in one (1) of seven Districts; provided the eligible voter is a resident of a District, he/she must register within that District or if the eligible voter is not a resident within a District, he/she shall choose to register in the North, South or East District. An eligible voter must register when they move into or out of a District, pursuant to Section 4 of this Article, within ninety (90) days before the next regularly scheduled Council election.

SECTION 5 - General Qualifications for Office.

a) No person who is a candidate for or elected to any Tribal office, or is to be or has been appointed by the Yurok Council to any position of trust shall, at the time of candidacy, election or appointment have been convicted of any violent felony or crime of moral turpitude within ten (10) years of the date of election or appointment, and every candidate for election or appointment to any Tribal office or position who ever has been convicted of any felony or crime of moral turpitude shall, upon announcement of his/her candidacy or application for appointment, fully disclose to the Yurok Council the fact and date of each such conviction, the court in which the conviction was entered, the offense for which convicted, the sentence imposed and the place and manner in which the sentence was served or otherwise discharged.

b) Any person who, upon or subsequent to announcing his/her candidacy for election to any Tribal office or applying for any appointed position of trust, is formally charged with, but not yet convicted of, any crime of violence or moral turpitude, shall disclose to the Tribal Council and/or the

Election Committee the fact of such prosecution upon becoming aware of the pendency thereof.

c) Any person required to make disclosure of a criminal conviction or prosecution hereunder who fails to do so within thirty (30) days may be barred or removed from the office or appointed position for which the person was a candidate when the required disclosure was not made.

d) Any elected Tribal officer or appointed Tribal official who is formally charged with a violent felony or crime of moral turpitude while in office shall be immediately suspended from office, effective with the date of initiation of such prosecution. If said officer or official is acquitted or the prosecution is terminated without a conviction, and provided that upon such termination of prosecution the term of office to which the officer or official was elected or appointed has not yet expired, the officer or official shall be reinstated to serve the remainder of his/her term of office or appointment.

SECTION 6 - Qualifications for Tribal Chairperson and Vice-Chairperson

The Tribal Chairperson and Vice-Chairperson must be Tribal Members of at least thirty (30) years of age upon election, and must actually reside and maintain their principle residence within 60 miles of the Tribal territory for at least one (1) year prior to election and remain in residence throughout the term of office.

SECTION 7 - Qualifications for Council Member Representing A District

A Council Member must be a Tribal Member of at least twenty-five (25) years of age upon election, must be registered with and actually reside and maintain their principle residence within the District when elected, and must remain an actual resident of the District throughout the term of office.

SECTION 8 - Primary Election

A primary election shall be conducted in October of each year, for each office that the term is to expire. Voting shall be by secret ballot. Absentee ballots shall be available upon written request by eligible voters and mailed in a timely manner to such voters. Those running for office who receive more than 50 percent of the ballots cast for the office shall be elected.

SECTION 9 - Run-Off Election

When positions remain unfilled after the primary election, then a run-off election shall be conducted in November following the primary election. Voting shall be by secret ballot. Absentee

ballots shall be available upon written request by eligible voters and mailed in a timely manner to such voters. The run-off shall be between the two candidates receiving the most votes in the primary election. The candidate receiving the most votes in the run-off election for each position shall be elected.

SECTION 10 - Filling of Vacant Positions

If, subsequent to his/her election, the Tribal Chairperson, Vice-Chairperson, or any member of the Tribal Council resigns, dies, or becomes permanently or indefinitely incapacitated, as determined by the Yurok Tribal Council, the Yurok Tribal Council shall declare the office vacant. If the vacancy occurs during the first year of the term to which the elected official was elected, the Yurok Tribal Council shall fill the vacancy for the unexpired portion of said term by appointing the person who received the next highest number of votes in said election, providing the candidate received at least thirty (30) percent of the total votes cast. If the elected official to be replaced was unopposed in said election, or if the candidate receiving the next highest number of votes did not receive at least thirty (30) percent of the total votes cast for that office, or if the vacancy occurs more than one (1) year prior to the expiration of the term, the vacancy shall be filled by a special election called and conducted pursuant to Section 10 of this Article.

ARTICLE IV - DUTIES AND POWERS OF THE YUROK COUNCIL

SECTION 1 - Tribal Chairperson

The Chairperson shall be the chief executive officer of the Tribe, and in that capacity shall have the following authority and duties:

a) To preside over all meetings of the Yurok Tribal Council and the Tribal Voting Membership, and to vote only in case of a tie;

b) To call special meetings of the Yurok Tribal Council or the Tribal Voting Membership as necessary with the request of Council members or Tribal members as provided in this Constitution;

c) To faithfully implement and enforce the legislative enactments and policies of the Yurok Tribe;

d) To execute such contracts, agreements, and other documents on behalf of the Yurok Tribe as have been duly authorized by the Yurok Tribal Council in the exercise of authority delegated by this Constitution, or by the Tribal Voting Membership;

e) To act as the principal spokesperson and representative for the Yurok Tribe in its dealings with all other governmental

and non-governmental entities, or to delegate such duties to other Tribal officers or officials as may be authorized by the Yurok Tribal Council;

f) To appoint persons to serve in unelected positions within the executive or judicial branches of the Tribal government and to advisory committees that have been created by the Yurok Tribal Council, with the advice and consent of the Yurok Tribal Council, and otherwise to implement such personnel policies and procedures as may be established by the Yurok Tribal Council. Efforts will be made to balance representation of the Advisory Committees between on and off Reservation.

g) To take such actions, including removal and/or barring of persons from Tribal lands, as may be necessary to safeguard the health and/or safety of the Yurok Tribe or its natural resources from imminent danger pending action by the Yurok Tribal Council, provided, however, that the Chairperson first shall have attempted to convene a special meeting of the Yurok Tribal Council on the issue. If such emergency action was not preceded by a meeting of the Yurok Tribal Council authorizing such action, the Tribal Chairperson shall, within forty-eight (48) hours after taking such action, convene a special meeting of the Yurok Tribal Council at which the only item of business shall be responding to the emergency. If the Yurok Tribal Council declines to ratify the Chairperson's emergency action, or if no meeting is held within the time allowed therefore, said action shall cease to have any force or effect upon the earlier of the Yurok Tribal Council's vote not to ratify such action or the expiration of forty-eight (48) hours after the action.

h) To prepare and present to the Yurok Tribal Council for approval, no later than one hundred and twenty (120) days prior to the beginning of each fiscal year, a proposed annual Tribal financial plan that sets forth in detail the then current assets of the Yurok Tribe, the sources and amounts of all anticipated Tribal revenues for the year, and a Tribal budget for said year.

SECTION 2 - Vice-Chairperson

The Vice-Chairperson shall have the following authority and duties:

a) To preside over meetings of the Yurok Tribal Council or Tribal Voting Membership in the absence of the Chairperson;

b) To act in place of the Chairperson as the spokesperson or representative of the Yurok Tribe upon written delegation by the Chairperson or the Yurok Tribal Council;

c) To assume the office and duties of the Chairperson upon the Chairperson's death, resignation, or removal, or a determination by a two-thirds (2/3) majority vote of a quorum of the Yurok Tribal Council that the Chairperson has become permanently or indefinitely incapacitated to an extent that prevents the Chairperson from fulfilling the obligations of the office.

SECTION 3 - Other Tribal Officers

The Tribal Secretary shall be elected by the Yurok Tribal Council from among its duly-elected members at the first regular Tribal Council meeting following each annual election, and shall have the following duties and authorities:

a) To faithfully prepare and maintain the official records of the proceedings of all meetings of the Tribal Voting Membership and the Yurok Tribal Council;

b) To certify and maintain custody of all resolutions, legislative enactments, and other official actions of the Yurok Tribal Council and the Tribal Voting Membership;

c) To send and receive and maintain custody of all official correspondence and documents of the Yurok Tribe;

d) To act as the custodian and keeper of the seal of the Yurok Tribe.

SECTION 4 - Miscellaneous Other Officers

At its first regular meeting following each annual election, and from time to time thereafter as it may deem appropriate, the Yurok Tribal Council may elect from its members such other officers as it may deem necessary to effectively fulfill its obligations and exercise its authority.

SECTION 5 - Yurok Tribal Council

a) Except as otherwise reserved to the Tribal Voting Membership by this Constitution, the legislative power of the Yurok Tribe hereby is delegated by the Tribal Voting Membership to the Yurok Tribal Council, and in the exercise thereof the Yurok Tribal Council shall have the authority to enact legislation, rules and regulations not inconsistant with this Constitution to further the objectives of the Yurok Tribe as reflected in the Preamble to this Constitution; administer and regulate affairs, persons and transactions within Tribal Territory; enact civil and criminal laws; promulgate policies regarding elected Tribal officials' and Tribal employees' use, possession or sale of illegal drugs, and the unlawful use or abuse of legal drugs and controlled substances; manage Tribal lands and assets and appropriate and authorize the expenditure of funds owned by or available to the Yurok Tribe; charter and regulate corporations and entities of all

kinds; provide for the exclusion of persons and/or entities from Tribal affairs and/or Tribal Territory under appropriate circumstances; and obtain and generate revenue for Tribal purposes through taxation and fees upon income, property, transactions and sales within Tribal Territory; provided however, that laws that affect the fundamental rights of Tribal members, such as taxation of Tribal members, and the Waiver of Claims issue shall not be effective until approved in a referendum among the Tribal Voting Membership pursuant to Article XI of this Constitution.

b) The Yurok Tribal Council shall fix and prescribe salaries and allowances for all appointed officials and the employees of the Yurok Tribe.

c) The Yurok Tribal Council shall prescribe salaries and allowances, if any, for all elected officials of the Tribe. No setting or adjustment of salaries and allowances shall be done without at least thirty (30) days notice that it will be on the Tribal Council agenda. No increase in compensation shall be effective until one (1) year from the date of approval has passed.

d) The Yurok Tribal Council shall by ordinance provide a system for assuring the reasonable and appropriate access by tribal members to tribal records and meetings.

e) The Yurok Tribal Council shall by ordinance within 90 days of the election of the first Yurok Tribal Council under this Constitution, prescribe enrollment procedures and establish an Enrollment Committee whose members shall be appointed by the Chairperson with the advice and consent of the Yurok Tribal Council.

f) The Yurok Tribal Council shall by ordinance prescribe election procedures for Tribal elections. The Yurok Tribal Council shall by ordinance establish an Election Board whose members shall be appointed by the Chairperson with the advice and consent of the Yurok Tribal Council.

g) The Yurok Tribal Council shall act upon all appointments requiring its confirmation within thirty (30) days.

h) The Yurok Tribal Council shall have the authority to act on behalf of the Tribe to acquire, lease, assign, and manage all tribal property, but shall not sell any tribal land, nor lease tribal land for a period of 20 years or more, unless approved by a referendum submitted to the voting membership pursuant to Article XI.

i) The Yurok Tribal Council shall by ordinances prescribe a Drug Testing policy for Council Members, a Conflict of Interest policy, and a Mandated Meeting policy for operation of Council business. These ordinances shall be adopted within

one (1) year of installation of the Tribal officials elected in the initial Tribal election.

j) No legislation, ordinance, or other major action shall be enacted unless approved by at least five (5) members of the Yurok Tribal Council, including a vote by the Tribal Chairperson if needed.

k) The Yurok Tribal Council district representatives shall conduct quarterly meetings within their respective districts.

ARTICLE V - YUROK TRIBAL COUNCIL MEETINGS

SECTION 1 - Frequency

The Yurok Tribal Council shall meet at least once a month. Each meeting will begin and end with a traditional prayer.

SECTION 2 - Quorum

Six (6) members of the Yurok Tribal Council, or 2/3 of the members if there are vacancies, must be present to constitute a quorum. The Chairperson shall be counted for purposes of constituting a quorum.

SECTION 3 - Special Meetings

The Tribal Chairperson and three (3) Yurok Tribal Council members, may call a special meeting of the Yurok Tribal Council at any time they deem necessary by notifying each Council Member in any expedient way at least twenty four (24) hours in advance of the meeting. Inability to notify all members after reasonable efforts shall not prevent such special meeting from occurring provided a quorum is present.

SECTION 4 - Public Meetings

All regular and special meetings of the Yurok Tribal Council shall be open to the members of the Yurok Tribe. The Yurok Tribal Council shall provide an opportunity for public comment by Tribal members at each Yurok Tribal Council meeting. The Yurok Tribal Council may meet in executive session upon determination by the Chairperson or an affirmative vote of a majority of the Council Members present that protection of the Yurok Tribe's legal rights, commercial interests and/or privileges against compelled disclosure or the privacy of specific persons requires that specific matters be discussed or voted upon in confidence. All votes, including votes on matters discussed in executive session and the subject of which must remain confidential, shall be by roll call in open session, and all votes shall be a matter of public record.

SECTION 5 - Roll Call Voting

Roll call votes showing how each member of the Yurok Tribal Council voted on all motions shall be recorded in the minutes of the Council. Motions that die of a lack of a second will also be recorded.

SECTION 6 - Consensus

In accordance with Tribal tradition, the Yurok Tribal Council shall attempt to conduct business by consensus whenever posssible.

ARTICLE VI - ANNUAL MEMBERSHIP MEETING

SECTION 1 - Annual Membership Meeting

An annual meeting of the Tribal membership shall be held on a Saturday in July or August designated by the Yurok Tribal Council, unless the Yurok Tribal Council directs the Chairperson to give notice of a different date at least sixty (60) days in advance of the alternative meeting date. In addition, the Tribal Chairperson with the consent of the Yurok Tribal Council may call special meetings of the membership with ten (10) days notice when there is a matter of great urgency that requires a meeting of the membership.

SECTION 2 - Powers

The Yurok Tribal Council shall preside over the Annual Membership Meeting and all special meetings. There shall be no binding tribal laws adopted by the membership at the annual meeting, but the membership, if 20% of the eligible voters are present, may, by majority vote, adopt resolutions setting out goals expressing the sense of the tribal membership. In addition, if 20% of the eligible voters are present, the members may by majority vote propose initiatives that shall be voted upon by the Tribal Voting Membership under the voting provisions of Article XI.

ARTICLE VII - TRIBAL JUSTICE SYSTEM

The judicial power of the Yurok Tribe shall be vested in such Tribal court(s) as may from time to time be established by ordinance(s) enacted for that purpose. Said ordinance(s) shall ensure the impartiality and independence of the judiciary by specifying causes and procedures for removal and prescribing reductions in rates of compensation greater than those that may be applied to the Yurok Tribal Council and/or the Tribal Chairperson; define the jurisdiction of each court created thereunder; specify the manner of selection, term of office and qualifications of judges; and provide for the adoption of the procedures under which each such court shall function. In

special circumstances as defined by appropriate ordinance, the Yurok Tribal Council shall sit as a Tribal trial or appellate court. The Tribal judicial system, whenever possible, shall give full recognition and weight to Tribal customs, including traditional methods of mediation and dispute resolution.

ARTICLE VIII - OATH OF OFFICE

All elected and appointed officials shall take the following oath:
"I,_____, do solemnly swear (or affirm) that I will uphold and defend the Constitution, sovereignty and traditions of the Yurok Tribe, and I will perform the duties of my office with honesty and fidelity.
I further swear (or affirm) that I will devote my best efforts to help the Yurok Tribe achieve its objectives as stated in the Preamble of its Constitution."

ARTICLE IX - BILL OF RIGHTS

In the exercise of its powers of self-government, consistent with its culture and tradition, the Tribe shall not deprive any person within its jurisdiction of the rights reflected in the Indian Civil Rights Act, 25 USC SECTION 1301 et seq.

In addition, the Tribe shall not take any action that would abridge any tribal religious or traditional practices.

ARTICLE X - RECALL OF OFFICIALS

SECTION 1 - Grounds for Recall

Any elected official of the Yurok Tribe shall be subject to recall for willful neglect of duty, corruption in office, habitual drunkenness or use of illegal drugs, incompetency, incapability of performing his/her duties or committing any offense involving moral turpitude, or conduct seriously detrimental to the sovereignty or traditions of the Yurok Tribe while in office.

SECTION 2 - Recall Election

Upon written petition of at least thirty (30) percent of the eligible voters of the Yurok Tribe, presented to and verified by the Election Board (or Yurok Tribal Council until an Election Board is established), a special Tribal Voting Membership election shall be called to consider the recall of the elected official named in the petition. In the case of a Yurok Tribal Council Member serving from a district, the petition requirement shall be at least thirty (30) percent of the eligible voters from the district represented by a Yurok Tribal Council member. A

special district membership election shall be called by the Yurok Tribe to consider the recall of the elected official named in the petition. Voting shall be by secret ballot. Absentee ballots shall be available upon written request by eligible voters and mailed in a timely manner to such voters. The election shall be held within sixty (60) days from the date the petition is verified; provided, that any petition submitted within four (4) months of the next annual election shall be placed on the ballot of the annual election. The position occupied by the official shall be declared vacant if at least two-thirds (2/3) of those voting (all Yurok voters in the case of the Tribal Chairperson or Vice-Chairperson, or all district voters in the case of Tribal Council Members) support the recall. Vacant positions shall be filled in accordance with ARTICLE III, Section 10.

SECTION 3 - Limits on Recall

No more than one (1) recall election shall be held in any one calendar year with respect to any specific tribal official.

ARTICLE XI - INITIATIVE AND REFERENDUM

SECTION 1 - Initiative

The Tribal Voting Membership shall have the right to propose any legislative measure by a petition signed by at least twenty (20) percent of the eligible voters. Each such petition shall be filed with the Election Board (or Yurok Tribal Council until an Election Board is established) at least sixty (60) days prior to the next annual election at which time it shall be placed on the ballot. Voting shall be by secret ballot. Absentee ballots shall be available upon written request by eligible voters and mailed in a timely manner to such voters. If approved by a majority of those participating in the election, the petition shall be in full force and effect immediately.

SECTION 2 - Referendum

The Yurok Tribal Council by approval of at least five (5) members may refer any legislative measure to the Tribal Voting Membership by directing at least thirty (30) days in advance that said measure be placed on the ballot at the next annual election or by calling for a special election. Voting shall be by secret ballot. Absentee ballots shall be available upon written request by eligible voters and mailed in a timely manner to such voters. If approved by a majority of those participating in the election, the referendum shall be in full force and effect immediately

ARTICLE XII - AMENDMENT

SECTION 1 - Amendments Proposed

Amendments to this Constitution may be proposed by the Yurok

Tribal Council and shall require at least five (5) affirmative votes, or by a petition containing the entire text of the amendment and signed by not less than twenty (20) percent of the Tribal Voting Membership.

SECTION 2 - Adoption

Adoption by not less than two-thirds (2/3) of those voting shall be required to amend this Constitution. Amendments shall be effective upon certification of the election results by the Election Board (or Yurok Tribal Council until an Election Board is established).

ARTICLE XIII - SEVERABILITY CLAUSE

In the event that any Article, section or provision of this Constitution is held invalid, it is the intent of the Yurok Tribe that the remaining Articles, sections and provisions of this Constitution shall continue in full force and effect.

ARTICLE XIV - EFFECTIVE DATE AND INITIAL ELECTION

This Constitution shall become effective when approved by an election of the Tribal Voting Membership of the Tribe, conducted by the Secretary of the Interior **and/or the Yurok Interim Council.** The initial election for Tribal Chairperson, Vice-Chairperson, and Yurok Tribal Council Members shall occur within one-hundred and twenty days (120) of the ratification of this Constitution. A run-off election, if necessary, shall occur within thirty (30) days of the initial election. The Chairperson, Vice-Chairperson, and the Yurok Tribal Council Members shall take office upon certification of the election by the Election Board.

The Yurok Interim Council shall provide for an independent Election Board for the primary and run-off election, shall notify Tribal Members of the date to file for candidacy and dates of initial and run-off elections, and shall conduct the election in accordance with ARTICLE III, SECTIONS 1-10, of this Constitution, and shall remain in office until the installation of the tribal officials elected in this tribal election.

(Date of Constitution election and results of election shall be stated)

The results are hereby certified by members of the Interim Council:
(Names)

YUROK TRIBE

INTERIM COUNCIL

P.O. Box 218 • Klamath, CA 95548
(707) 482-2921
FAX (707) 482-9465

517 Third, Suite 18 • Eureka, CA 95501
(707) 444-0433
FAX (707) 444-0437

AREA DIRECTOR ✓
DEPUTY DIRECTOR ✓
ASST. AD. ADMIN.
ROUTE TOPS
RESPONSE REQUIRED no
DUE DATE
MEMO ____ LTR ____
TELE ____ OTHER ____
1. Sales
File 11/29/93
SGO 12/3/93

November 24, 1993

Mr. Ronald Jaeger, Area Director
Bureau of Indian Affairs
Sacramento Area Office
2800 Cottage Way
Sacramento, CA 95825

Subject: Transmittal of Tribal Resolution 93-62 re. Certification of Constitution Ratification Election.

Dr. Mr. Jaeger,

This will transmit Yurok Interim Council Resolution #93-62 which accepts and approves the Constitution election certification conducted by the Accounting Firm of Anderson, Somerville, Borges and Kerrigan, and certifies the adoption of the Yurok Constitution.

Also, attached is a copy of the letter from Anderson, Somerville, Borges and Kerrigan certifying the election proceedings and result. Please contact me if you have any questions.

Sincerely Yours,

Susie L. Long

Susie L. Long, Chair
Interim Tribal Council

cc: Ada Deer, Assistant Sect. Indian Affairs
Dr. Virgil Akins, Superintendent BIA/NCA

zg/SL
attachments

Dorothy Haberman ▲ Richard Haberman ▲ Susie L. Long
Sue Masten ▲ Maria Tripp

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RESOLUTION
OF THE
YUROK TRIBE INTERIM COUNCIL

Resolution No.: 93-62

Date Approved: November 24, 1993

Subject: Certification of Constitution Ratification Election

WHEREAS: The Yurok Interim Tribal Council is the governing body of the Yurok Tribe as authorized by the Hoopa-Yurok Settlement Act (Public Law 100-580) as amended, and

WHEREAS: A draft of a Constitution for the Yurok Tribe, dated October 22, 1993 has been presented to the membership for ratification on October 23, 1993, and

WHEREAS: The Certified Public Accounting Firm of Anderson, Somerville, Borges and Kerrigan was retained to conduct said ratification election and certify the result, and

WHEREAS: The aforementioned election has been conducted with ballots to be postmarked not later than November 10, 1993; and a majority of Yurok tribal members have approved the Constitution of the Yurok Tribe by a vote of seven hundred and twenty two (722) in favor of adoption and five hundred and forty five (545) against adoption, and

WHEREAS: Said election result represents 57% of the voting majority in support of adoption of the Constitution for the Yurok Tribe dated October 22, 1993, now

Dorothy Haberman ▲ Richard Haberman ▲ Susie L. Long

Sue Masten ▲ Maria Tripp

THEREFORE BE IT RESOLVED:

The results of the Constitution Ratification election have been certified by the Certified Public Accounting Firm of *Anderson, Somerville, Borges and Kerrigan* and that said certification is hereby accepted and approved by the Yurok Interim Tribal Council, and

BE IT FURTHER RESOLVED:

That the Yurok Interim Tribal Council, on behalf of the Yurok Tribe, hereby certifies that the Constitution for the Yurok Tribe dated October 22, 1993 is adopted and is now in effect.

CERTIFICATION

This is to certify that this Resolution was approved at a duly called Special Meeting of the Yurok Tribe Interim Council on November 24, 1993, at which a quorum was present and that this Resolution (#93-62) was adopted by a vote of **3 FOR** and **0 AGAINST**, with no abstentions. This Resolution has not been rescinded or amended in any way.

Susie L. Long, Chair
Yurok Interim Tribal Council

ATTEST: Maria Tripp
Maria Tripp, Council Member
Yurok Interim Tribal Council